

U.S. BANKRUPTCY COURT
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CANON, NJ

10 MAR -1 PM 3:11

JAMES J. WALDRON

SHERMAN, SILVERSTEIN, KOHL, ROSE & PODOLSKY, P.A. BY: _____

A Professional Corporation

By: Jeffrey P. Resnick, Esquire

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Attorneys for Defendant Charter Oak FCU/E B

DEPUTY CLERK

In Re: Anthony T. and Kimberly A.
Walters,

Debtors

Anthony T. Walters,

Plaintiff/Debtor

and

Michael E. Walters,

Plaintiff,

v.

Charter Oak FCU/E B,

Defendant.

: UNITED STATES BANKRUPTCY COURT
: DISTRICT OF NEW JERSEY

: CHAPTER 13

: CASE NO.: 09-41707 GMB

: ADV. PROC. NO.: 10-1003

: **DEFENDANT'S ANSWER TO PLAINTIFFS'**
: **ADVERSARY COMPLAINT**

Defendant, by and through its undersigned counsel, by way of response to plaintiffs' Adversary Complaint, hereby states as follows:

1. Denied that plaintiffs are entitled to the relief they seek and that defendant engaged in "willful and negligent actions that constitute invasion of the Plaintiff's privacy."

2. Admitted.
3. Denied.
4. Admitted.
5. Admitted based on plaintiff's representations.
6. Denied.
7. Admitted.
8. Admitted.
9. Admitted based on plaintiff's representations.
10. Admitted based on plaintiff's representations.
11. Admitted.
12. Admitted.
13. Denied that there was not "proper redaction" set forth on the pages referenced by plaintiffs in this allegation.
14. Denied as stated.
15. Denied as stated.
16. Denied.
17. Denied as stated.
18. Admitted.
19. Denied.
20. Denied that these citations are applicable to this matter.

FIRST CAUSE OF ACTION

21. Defendant incorporates the above responses as if set forth at length herein.
22. Denied.

23. Denied.

24. Denied.

25. Denied.

WHEREFORE, defendant demands that plaintiffs' adversary complaint be dismissed with prejudice and that defendant be awarded attorneys fees, costs, and such other relief as this court deems equitable and just.

SECOND CAUSE OF ACTION

26. Defendant incorporates the above responses as if set forth at length herein.

27. Denied.

28. Denied that this citation is relevant to this matter.

29. Denied.

WHEREFORE, defendant demands that plaintiffs' adversary complaint be dismissed with prejudice and that defendant be awarded attorneys fees, costs, and such other relief as this court deems equitable and just.

THIRD CAUSE OF ACTION

30. Defendant incorporates the above responses as if set forth at length herein.

31. Denied that this citation is relevant to this matter.

32. Denied that this citation is relevant to this matter.

33. Denied.

34. Denied as stated.

WHEREFORE, defendant demands that plaintiffs' adversary complaint be dismissed with prejudice and that defendant be awarded attorneys fees, costs, and such other relief as this court deems equitable and just.

FOURTH CAUSE OF ACTION

- 35. Defendant incorporates the above responses as if set forth at length herein.
- 36. Denied that this citation is relevant to this matter.
- 37. Denied that this citation is relevant to this matter.
- 38. Admitted.
- 39. Denied as stated.
- 40. Denied.
- 41. Denied as stated.
- 42. Denied.

WHEREFORE, defendant demands that plaintiffs' adversary complaint be dismissed with prejudice and that defendant be awarded attorneys fees, costs, and such other relief as this court deems equitable and just.

FIFTH CAUSE OF ACTION

- 43. Defendant incorporates the above responses as if set forth at length herein.
- 44. Denied.
- 45. Denied.
- 46. Denied.
- 47. Denied.
- 48. Denied.
- 49. Denied.

WHEREFORE, defendant demands that plaintiffs' adversary complaint be dismissed with prejudice and that defendant be awarded attorneys fees, costs, and such other relief as this court deems equitable and just.

AFFIRMATIVE DEFENSES

1. Plaintiffs' complaint fails to state a claim upon which relief can be granted.
2. Plaintiffs are barred from relief because of the doctrine of laches.
3. Plaintiffs are barred from relief because of the doctrine of unclean hands.
4. Plaintiffs have not sustained any damages

SHERMAN, SILVERSTEIN, KOHL, ROSE
& PODOLSKY, P.A.

By: _____

Jeffrey P. Resnick, Esquire
Attorneys for Defendant

Date: _____

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CERTIFICATE OF SERVICE

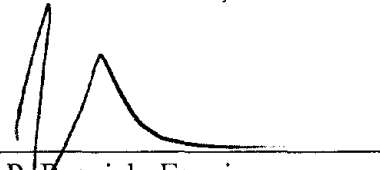
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I, Jeffrey P. Resnick, Esquire, hereby certify that a true and correct copy of the within Defendant's Answer to Plaintiffs' Adversary Complaint and Certificate of Service was served on the following via United States First Class mail:

Lee M. Perlman, Esquire
Lee M. Perlman Attorney at Law
1926 Greentree Road, Suite 100
Cherry Hill, NJ 08003
Attorneys for Debtors
Anthony T. and Kimberly A. Walters and
Michael E. Walters

**SHERMAN, SILVERSTEIN, KOHL,
ROSE & PODOLSKY, P.A.**

DATE: March 1, 2010



Jeffrey P. Resnick, Esquire
Attorneys for Defendant
Charter Oak FCU/E B